



House Committee on Criminal Justice
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HB 4914

SWAT was created to deal with emergency situations such as hostage, barricade and active shooter scenarios. Over time, however, law enforcement agencies have moved away from this original purpose and are increasingly using these paramilitary squads to search people's homes for drugs. In an ACLU study reviewing 800 SWAT deployments around the country in 2011-2012, 62% were for drug searches. SWAT teams were often deployed—unnecessarily and aggressively—to execute search warrants in low-level drug investigations; deployments for hostage or barricade scenarios occurred in only a small number of incidents. The majority (79 percent) of SWAT deployments the ACLU studied were for the purpose of executing a search warrant, most commonly in drug investigations. Only a small handful of deployments (7 percent) were for hostage, barricade, or active shooter scenarios.

SWAT deployments often and unnecessarily entailed the use of violent tactics and equipment, including armored personnel carriers; use of violent tactics and equipment was shown to increase the risk of bodily harm and property damage. Of the incidents studied in which SWAT was deployed to search for drugs in a person's home, the SWAT teams forced entry into a person's home using a battering ram or other breaching device 65 percent of the time. For drug investigations, the SWAT teams studied were almost twice as likely to force entry into a person's home than not. In some instances, the use of violent tactics and equipment caused property damage, injury, and/or death:

Detroit, Mi. – Aiyanna Jones was only 7 years old. Detroit Police Special Response Team used a flashbang device when they raided her grandmother's home looking for a suspect. That device landed on the couch on which Aiyanna was sleeping, severely burning her. Aiyanna was dead a few minutes later when an officer discharged his gun, hitting Aiyanna in the neck.

Detroit, Mi. – During a regular Friday night member event at the Contemporary Art Institute of Detroit (CAID), Detroit police officers, dressed entirely in black, with their faces masked and guns drawn, stormed into the CAID and ordered the approximately 130 members to lie face down. Many of the CAID's patrons were standing in the back yard and were forced to lie with their faces in the mud. Those who asked questions or did not move fast enough were kicked to the ground by police officers. The officers then separated men and women and

searched them all, issuing each a misdemeanor citation for "loitering in a place of illegal occupation." In this case, two undercover officers were at the event and, even though they reported that they witnessed no drugs, weapons or illegal activity beyond serving beer and wine without a license, they called for the raid to be conducted anyway.

Lima, Ohio - Tarika Wilson wasn't the suspect. She died when SWAT officers broke down her front door and opened fire into her home. Ms. Wilson was holding her 14-month-old son when she was shot. The baby was injured, but survived. The SWAT team had been looking for Ms. Wilson's boyfriend on suspicion of drug dealing when they raided Ms. Wilson's rented house.

Framingham, Mass. - Eurie Stamp was in his pajamas, watching a baseball game, when SWAT officers forced a battering ram through his front door and threw a flashbang grenade inside. Stamp, a 68-year-old grandfather of twelve, followed the officers' shouted orders to lie facedown on the floor with his arms above his head. He died in this position, when one of the officers' guns discharged. Stamp wasn't the suspect; the officers were looking for his girlfriend's son on suspicion of selling drugs. The suspect was arrested outside the home minutes before the raid. Even though the actual suspect didn't live in Stamp's home and was already in custody, the SWAT team still decided to carry out the raid.

The ACLU of Michigan urges support of HB 4914. These problems have been allowed to occur in the absence of public oversight. Data collection has been sparse and inadequate: among the law enforcement agencies studied, the ACLU found that data collecting and reporting in the context of SWAT was at best sporadic and at worst virtually nonexistent. Both Utah and Maryland passed a law requiring local law enforcement agencies to submit regular reports on their use of SWAT. Maryland's will sunset this year.